

AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 384

Introduced by Assembly Member Chesbro

February 14, 2011

An act to add ~~Sections 4659 and 5019.6~~ *Section 4659* to the Public Resources Code, relating to state forest land.

LEGISLATIVE COUNSEL'S DIGEST

AB 384, as amended, Chesbro. State forest land: Jackson–~~State~~ Demonstration *State* Forest.

Existing law authorizes the Department of Forestry and Fire Protection to engage in the management, protection, and reforestation of state forests and requires the Department of Parks and Recreation to have control of the state park system.

This bill would ~~require~~ *authorize* the Director of General Services, subject to the approval of the Department of Forestry and Fire Protection, to grant an option to the City of Fort Bragg and the County of Mendocino for either entity to acquire title to certain property for the purpose of developing a solid waste transfer station. The bill would require, if this option is exercised, that the entity acquiring title to the property execute and record in favor of the Department of Parks and Recreation a covenant restricting the uses and activities at a specified Caspar ~~landfill~~ *Landfill* property and an option to grant ownership to that department of a specified portion of the Caspar ~~landfill~~ *Landfill* property. *The bill would authorize the Department of Forestry and Fire Protection and the Department of Parks and Recreation to be compensated for the loss of certain property, as provided.*

The bill would also ~~require~~ *authorize* the Department of Parks and Recreation, with the approval of the Director of General Services, to transfer a certain portion of Russian Gulch State Park to the Department of Forestry and Fire Protection, to be included as a part of the Jackson Demonstration State Forest, if the City of Fort Bragg or the County of Mendocino exercises that option.

The bill would also provide that if successful development and operation of a solid waste transfer station does not occur 10 years from the date of recordation of the transfer document, the title to the property would revert back to the Department of Forestry and Fire Protection and the entity acquiring title would be required to reimburse the state for the administrative costs incurred by the state to process the reversionary documents.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The City of Fort Bragg and the County of Mendocino seek
- 4 to improve solid waste management in the greater Fort Bragg area
- 5 by developing a commercial transfer station capable of efficiently
- 6 managing all solid waste generated in the vicinity.
- 7 (b) Following a comprehensive siting study, a potential site of
- 8 ~~approximately up to 17 acres~~ was identified for a transfer station
- 9 located within a portion of the Jackson Demonstration State Forest,
- 10 on its northern boundary.
- 11 (c) The *State* Board of Forestry and Fire Protection adopted a
- 12 resolution on April-6 7, 2010, that stated that transfer of this site
- 13 to the city or county would not cause significant adverse
- 14 programmatic impacts to the Jackson Demonstration State Forest.
- 15 ~~(d) The Jackson Demonstration State Forest shall be~~
- 16 *(d) The Department of Forestry and Fire Protection, on behalf*
- 17 *of the state, may be compensated for loss of the approximately up*
- 18 *to 17-acre site by transfer from the Department of Parks and*
- 19 *Recreation, on behalf of the state* of 12.6 acres in Russian Gulch
- 20 State Park, which is separated from the remainder of the state park
- 21 by a county road.

1 (e) ~~Russian Gulch State Park shall~~ *The Department of Parks of*
2 *Recreation, on behalf of the state, may* be compensated, in turn,
3 for loss of the 12.6 acres *in Russian Gulch State Park* specified in
4 subdivision (d) by the grant of a restrictive covenant on 60 acres
5 of city and county property on the north boundary of the state park,
6 which is currently a closed landfill and small volume transfer
7 station, whose continued operation causes undesirable impacts on
8 the state park, and by an option to buy 35 acres of the city and
9 county property.

10 (f) The interests and welfare of the state will be advanced by
11 granting an option to the city and the county to take title to the
12 Jackson Demonstration State Forest site, subject to the additional
13 terms described in subdivisions (d) and (e), if the city and the
14 county complete a site selection process and environmental review
15 that finds that this site shall be the selected alternative.

16 SEC. 2. Section 4659 is added to the Public Resources Code,
17 to read:

18 4659. (a) For purpose of this section, the following definitions
19 shall apply:

20 (1) "City" means the City of Fort Bragg.

21 (2) "County" means the County of Mendocino.

22 (3) "Entity acquiring title" means either the city or the county,
23 whichever exercises the option specified in subdivision (c) to take
24 title to the property.

25 (4) "Property" means the certain real property described as the
26 easterly 17 acres, more or less, of that portion of Mendocino
27 County Assessor's Parcel Number 019-150-05 which is north of
28 State Highway 20, located in a portion of the Jackson
29 Demonstration State Forest.

30 (5) "Solid waste transfer station" has the same meaning as
31 transfer station, as defined in Section 40200.

32 (b) Notwithstanding any other law, the Director of General
33 Services, subject to the approval of the Department of Forestry
34 and Fire Protection, ~~shall~~ *may* grant an option to the city or to the
35 county, for either entity to acquire title to the property for the
36 purpose of developing a solid waste transfer station.

37 (c) The option agreement shall have a term of five years, from
38 the date of execution, for the city or county to exercise the option
39 and take title to the site.

(d) Following the transfer of title, the entity acquiring title shall complete the development of, and open, a solid waste transfer station no later than 10 years from the date of recordation of the transfer document or the title to the property shall revert back to the Department of Forestry and Fire Protection and the entity shall reimburse the state for the administrative costs incurred by the state to process the reversionary documents.

(e) If the entity acquiring title to the property is successful in opening a solid waste transfer station on the site, all delivery and acceptance of solid waste shall cease at the existing Caspar ~~landfill~~ Landfill property, also known as Mendocino County Assessor's Parcel Numbers 118-500-10 and 118-500-11.

(f) *The Department of Forestry and Fire Protection, on behalf of the state, may be compensated for loss of up to 17 acres of the Jackson Demonstration State Forest by transfer from the Department of Parks and Recreation, on behalf of the State of California, of 12.6 acres in Russian Gulch State Park, which is separated from the remainder of the state park by a county road.*

(g) *The Department of Parks and Recreation, on behalf of the state, may be compensated, in turn, for loss of the 12.6 acres in Russian Gulch State Park specified in subdivision (f) by the grant of a restrictive covenant on 60 acres of city and county property on the northern boundary of the state park, which is currently a closed landfill and small volume transfer station, and by an option to buy 35 acres of the city and county property.*

(h) *If the city or county exercises the option to take title to the property pursuant to this section, the Department of Parks and Recreation, with the approval of the Director of General Services, may transfer to the Department of Forestry and Fire Protection jurisdiction over that portion of Russian Gulch State Park northeast of Mendocino County Road 409, being 12.6 acres, more or less, and being a portion of Mendocino County Assessor's Parcel Number 118-520-02, to be included as a part of the Jackson Demonstration State Forest under the direction of the Department of Forestry and Fire Protection.*

(f)

(i) If the option to acquire the property is exercised, the entity acquiring title to the property shall execute and record in favor of the Department of Parks and Recreation both of the following:

1 (1) A covenant restricting the uses and activities at the Caspar
2 Landfill property to prevent any significant nuisance impacts on
3 Russian Gulch State Park. The form of this restrictive covenant
4 shall be approved, prior to recordation, by the Department of Parks
5 and Recreation.

6 (2) An option with a term of 99 years and a price of one dollar
7 (\$1.00) to grant ownership of the westernmost 35 acres of the
8 Caspar landfill property, described in subdivision (e), with road
9 access to that property.

10 ~~(g)~~

11 (j) The entity acquiring title to the property shall reimburse the
12 state for the difference in the appraised value of the assets that are
13 to be exchanged, if the state is found to be receiving less value,
14 and for reasonable administrative costs incurred to complete the
15 transfer of title.

16 ~~(h)~~

17 (k) The entity acquiring title of the property shall be solely
18 responsible for compliance with the California Environmental
19 Quality Act (Division 13 (commencing with Section 21000) in
20 connection with the transfer of property ownership and
21 development of the solid waste transfer station.

22 ~~(i)~~

23 (l) The exchange of lands carried out pursuant to this section
24 ~~and Section 5019.6~~ shall be based on current fair market value and
25 subject to the terms and conditions, and with the reservations,
26 restrictions, and exceptions that, ~~in the opinion of the Director of~~
27 ~~General Services; determines~~ are in the best interests of the state,
28 including the condition that the exchange shall result in no net cost
29 or loss to the state.

30 ~~SEC. 3. Section 5019.6 is added to the Public Resources Code,~~
31 ~~to read:~~

32 ~~5019.6. If the City of Fort Bragg or the County of Mendocino~~
33 ~~exercises the option to take title to a portion of the Jackson~~
34 ~~Demonstration State Forest pursuant to Section 4659, the~~
35 ~~Department of Parks and Recreation, with the approval of the~~
36 ~~Director of General Services, shall transfer to the Department of~~
37 ~~Forestry and Fire Protection jurisdiction over that portion of~~
38 ~~Russian Gulch State Park northeast of Mendocino County Road~~
39 ~~409, being 12.6 acres, more or less, and being a portion of~~

- 1 ~~Mendocino County Assessor's Parcel Number 118-520-02, to be~~
- 2 ~~included as a part of the Jackson Demonstration State Forest.~~

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